

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

United States of America

vs.

Drew Zarate (5)

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NO: 1:20-CR-00289(5)-RP

**Order Denying Motion to Amend Conditions of Pretrial Release**

Now before the Court is Defendant Drew Zarate's Motion to Amend Conditions of Pretrial Release, filed August 1, 2023 (Dkt. 670).

Defendant asks the Court to modify his conditions of release to release him from his mother's custody and permit him to move from Houston to Austin, where he would live with his girlfriend. The Court held a hearing on the motion on September 6, 2023, at which Defendant appeared and was represented by counsel. Counsel for the Government also appeared and opposed the motion.

Defendant was arrested on December 3, 2020, pursuant to his indictment on charges of (1) conspiracy to possess with intent to distribute methamphetamine, LSD, cocaine, Adderall, MDMA, fentanyl, psilocybin mushrooms, and marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and (2) conspiracy to launder monetary instruments, in violation of 18 U.S.C. 1956(h). He was released under the Court's Order Setting Conditions of Release the same day. Dkt. 71. Defendant pled guilty to Count Two of the Indictment, conspiracy to launder monetary instruments, on May 9, 2022. Dkt. 481. The District Court accepted Defendant's guilty plea on May 25, 2022, and his sentencing is set for October 12, 2023. Dkts. 503, 650.

After his release, Defendant remained in Austin, where he violated multiple conditions of his release. On October 7, 2021, he was arrested and charged with Driving While Intoxicated, but failed to notify Pretrial Services of his arrest. Dkts. 406, 531. The Court modified Defendant's

conditions of release to include no alcohol use. Dkt. 406. He also submitted a urine specimen on May 19, 2022 that was confirmed positive for marijuana metabolite and cocaine metabolite, and another specimen on May 31, 2022 that was confirmed positive for marijuana metabolite. Dkts. 511, 531.

On July 25, 2022, the Court released Defendant to a program of inpatient substance abuse therapy and counseling and into the custody of his mother, Deborah Zarate, in Houston. Dkt. 531. No violations have been reported during Defendant's supervision in Houston. On January 4, 2023, Defendant's conditions of release were modified to include mental health counseling. Dkt. 582. Defendant was 21 years old at the time of his arrest and had lived in Austin for four years, after graduating from high school; he is now 24.

Having considered the evidence and arguments of counsel at the hearing and the entire docket, the Court finds that Defendant's motion should be denied. Defendant is set to appear before the District Court for sentencing in just five weeks. He violated his conditions of release repeatedly while living in Austin, but has been successful for more than a year in Houston. The Court finds that Defendant has not shown good cause to amend his conditions of release at this time.

For these reasons, **IT IS ORDERED** that Defendant Drew Zarate's Motion to Amend Conditions of Pretrial Release (Dkt. 670) is **DENIED** and Additional Condition of Release 7(f) (Dkt. 71-1) is **AMENDED**, as follows: "The defendant must abide by the following restrictions on personal association, residence, or travel: Travel restricted to Harris County unless approved by Pretrial Services or the Court. Defendant may travel to Travis County for court-related matters and attorney visits."

**SIGNED** on September 6, 2023.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE